



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 10/7/04

Agenda Item 4

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: Use Permit No. PL-2003-0701 – Lewis Larimer (Applicant/Owner)
Request for Outdoor Storage of Welding Contractor's Equipment and Products

The Property Is Located at 3322 Baumberg Avenue in the Industrial (I) District

RECOMMENDATION:

Staff recommends that the Planning Commission find that the project is categorically exempt from environmental review and deny the Conditional Use Permit based on the attached findings for denial.

DISCUSSION:

The applicant was cited by Community Preservation staff for use of two adjacent properties at 3322 and 3340 Baumberg Avenue for major outdoor storage without approval of a Conditional Use Permit. The applicant applied for use of both properties for major outdoor storage, but the application remained incomplete for a lengthy period for lack of response from the applicant. He subsequently changed the application to include only the 3322 Baumberg Avenue property because of financial considerations.

The property is zoned Industrial District and contains approximately 9,737 square feet. It is bordered on the north and east side of the property by legal, non-conforming single-family residential dwellings, which have replacement rights through June 6, 2015. The lot to the south (3340 Baumberg Avenue), owned by the applicant, is vacant. The applicant's office is located directly across the street. The applicant proposes to continue to use the 3322 Baumberg Avenue property to store construction material and equipment in three 8'-0" wide, by 9'-6" high, by 40'-0" long cargo containers laid out in an "L" shaped configuration.

The applicant proposes to provide an asphalt concrete driveway to the cargo containers and to cover the remaining open storage area with crushed gravel. A new 6-foot chain-link fence with slats would be added along the west and south property line. Screening evergreen trees would be planted at 20-foot intervals along the side and rear property lines. Street trees, shrubs and groundcover would be planted along the street frontage.

Although the applicant's plans indicate a 6-foot-high chain-link along the front property line, he has agreed to move it back 10 feet in order to comply with the zoning ordinance regulations. The existing 6-foot wood fences along the north and east property lines would remain.

The City of Hayward Design Guidelines requires that outdoor storage facilities near residential areas be screened. *"No outdoor storage should be visible from a residence or along a street serving residences."* Though the applicant proposes mitigation measures (screening trees and setting containers away from the common property lines), the cargo containers would protrude 3'-6" above the 6-foot-high fence and be visible from the street and surrounding properties. Although the applicant has indicated he would be willing to increase the height of the chain-link fence to 8 feet, the containers could still be visible.

The purpose of a Conditional Use Permit is to ensure that the proposed use occur in maximum harmony with the surrounding area and in accordance with City policies. The cargo containers proposed by the applicant would not meet the Industrial District's Minimum Design and Performance Standards, which call for articulation of blank walls when they are visible from the street. Staff believes that allowing cargo containers to serve in place of a building(s) that meets the standards would set a detrimental precedent for the Industrial District. While a 10-foot-high fence or wall could shield the containers from view, staff believes that a fence at that height would be oppressive to the surrounding homes. Furthermore, a masonry wall would be more compatible with the adjacent residences than the proposed chain-link fence.

The Minimum Standards also require that "all open areas no landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface." The use of gravel as a ground cover does not meet this requirement and does not typically stand up to weather. It would also set a detrimental precedent as the use of gravel has only been approved for heavy earth-moving equipment that would crush asphalt. If the application were to be approved, the applicant would have to pave the areas on which the containers sit and landscape the remainder of the property.

ENVIRONMENTAL REVIEW:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15304, Class 4 Minor Alterations.

PUBLIC NOTICE:

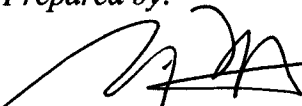
On December 8, 2003, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. The Referral Notice provided an opportunity for persons to comment on the project. There was one comment in response to the Referral Notice. The person indicated she reported

overgrown weeds to Community Preservation and not the Outdoor Storage and had no further comments. The overgrown weeds were subsequently trimmed back. On September 27, 2004 a Notice of Public Hearing for the Planning Commission meeting was mailed.


CONCLUSION:

The proposed development of the site does not meet the minimum design and performance standards for the Industrial District and approval of this project would set a detrimental precedent. The Baumberg area has been plagued by unsightly and poorly-maintained development, and staff believes that this project would exacerbate this condition. Therefore staff recommends denial of the application. If the Planning Commission is inclined to support the application, it would have to be returned to staff for the preparation of appropriate findings and conditions of approval.

Prepared by:

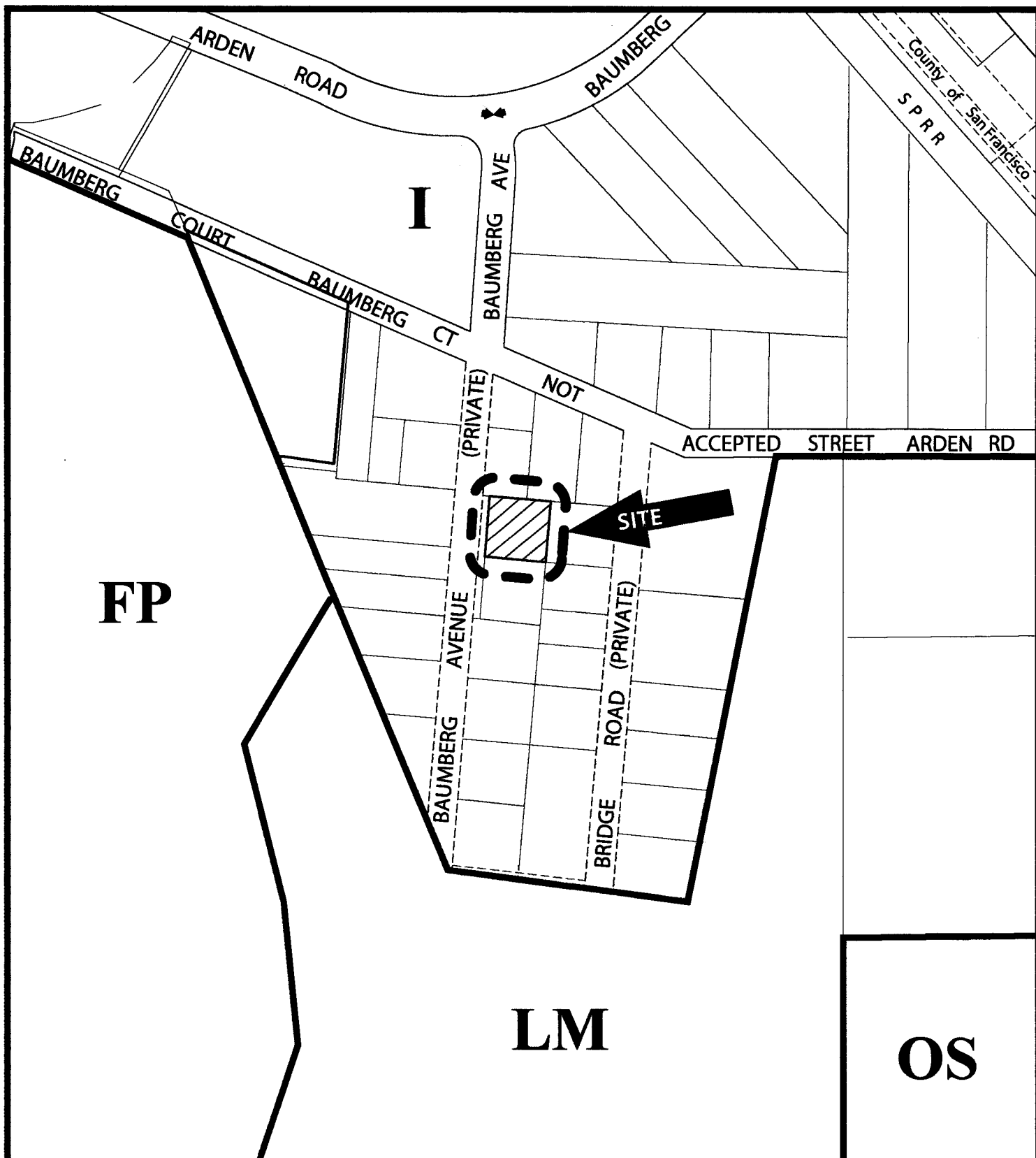

for Carl T. Emura, ASLA
Associate Planner

Recommended by:


for Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Denial
Plans



Area & Zoning Map

PL-2003-0701 UP

Address: 3322 Baumberg Avenue

Applicant: Lewis Larimer

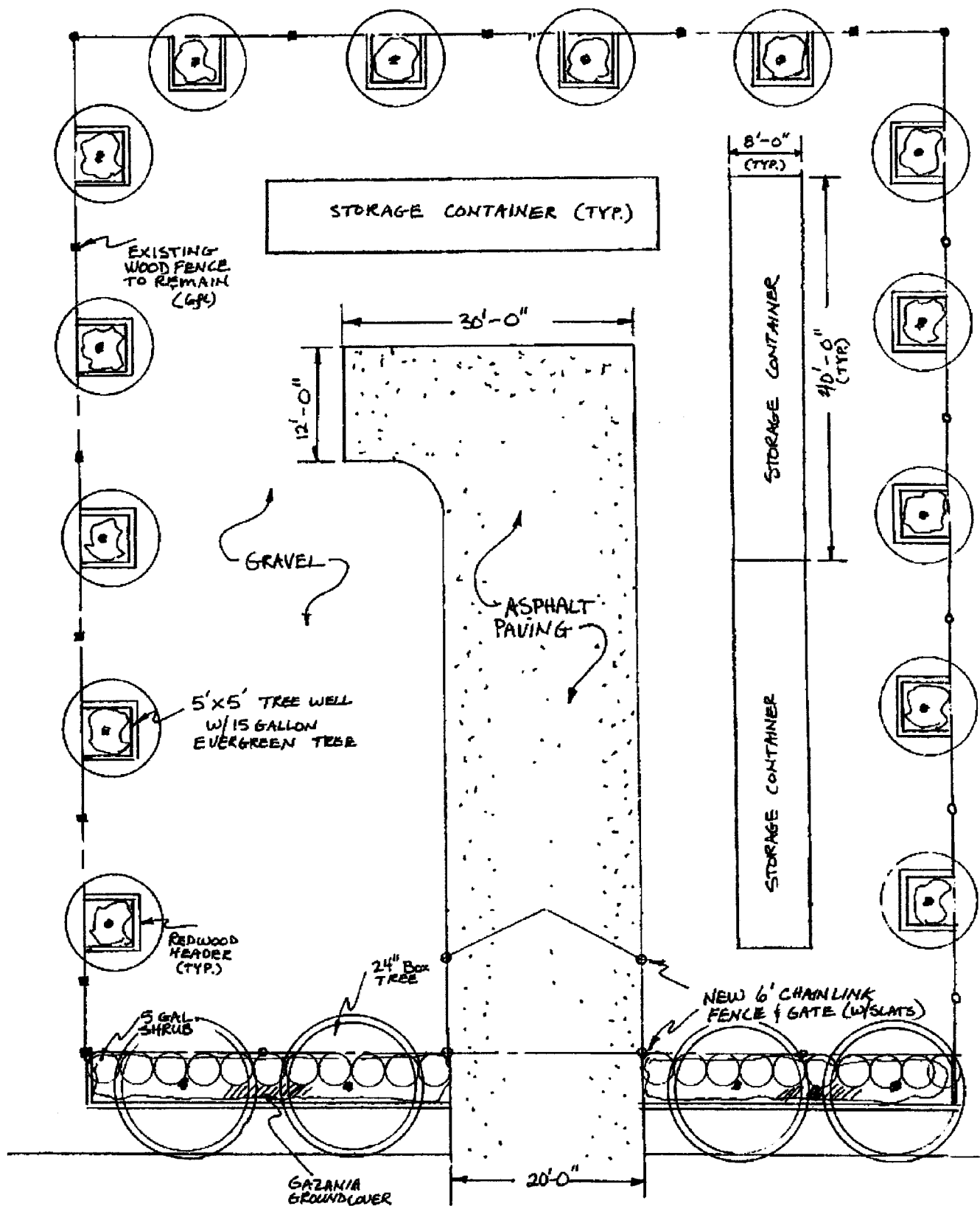
Owner: Lewis Larimer

FP-Flood Plain
I-Industrial
LM-Light Manufacturing
OS- Open Space



FINDINGS FOR DENIAL
Conditional Use Permit - PL-2003-0701
3322 Baumberg Avenue
Lewis Larimer (Applicant/Owner)

1. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15304, Class 4 *Minor Alterations*.
2. The proposed use is not desirable for the public welfare in that the cargo storage units and the development of the site do not meet the design and performance standards for the Industrial District and will be visible from Baumberg Avenue.
3. The proposed use will impair the character and integrity of the Industrial District and surrounding area in that the cargo storage units will be visible from Baumberg Avenue and the adjacent residential units.
4. The proposed outdoor storage is detrimental to and general welfare in that it will visually impair the surrounding area. The cargo storage units will be visible from Baumberg Avenue and the adjacent residential units.
5. The proposed use is not in harmony with applicable City policies and the intent and purpose of the Industrial District in that it does not comply with the Design and Performance standard of that district which calls for articulation of blank walls when structures are visible from the street.



3322 BAUMBURG AVENUE

NORTH